

REMARKS

The present Amendment is in response to the Final Office Action. By this paper, claims 16-23 are canceled. Claims 1-4, 8-13, 24-37, and 39-43 are now pending.

Inasmuch as this paper does not touch the merits of the case, but instead simply cancels the claims that the Examiner has rejected, entry of this amendment is believed to be proper pursuant to 37 C.F.R. § 1.116.

I. General Considerations

With particular reference to the claim amendments, Applicants note that while claims 16-23 have been canceled herein, such cancellations have been made in the interest of expediting the allowance of this case. Notwithstanding, Applicants, may, on further consideration, determine that claims of broader scope than those now presented are supported. Accordingly, Applicants hereby reserve the right to file one or more continuing applications with claims broader in scope than the claims now presented.

Consistent with the points set forth above, Applicants submit that neither the claim cancellations set forth herein, nor any other claim amendments, claim cancellations or statements advanced by the Applicants in this or any related case, constitute or should be construed as, an implicit or explicit surrender or disclaimer of claim scope with respect to the cited, or any other, references.

Applicants also note that the remarks presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited reference. Such remarks, or a lack of remarks, are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

II. Objection to the Drawings

The Examiner has objected to the drawings as allegedly failing to disclose certain elements of claims 17 and 23. Applicants disagree but submits that in view of the cancellation of claims 17 and 23 herein, the objection is moot and should be withdrawn.

III. Rejection of Claims 17-21 and 23 under 35 USC § 112, *first* paragraph

The Examiner has rejected claims 17-21 and 23 under 35 USC § 112, first paragraph. Applicants disagree but submits that in view of the cancellation of claims 17-21 and 23 herein, the rejection is moot and should be withdrawn.

IV. Rejection of Claims 17-21 and 23 under 35 USC § 112, *second* paragraph

The Examiner has rejected claims 17-21 and 23 under 35 USC § 112, second paragraph. Applicants disagree but submits that in view of the cancellation of claims 17-21 and 23 herein, the rejection is moot and should be withdrawn.

V. Rejection of Claims 16 and 22 Under 35 U.S.C. § 103

The Office Action rejected claims 16 and 22 under 35 U.S.C. § 103(a) over US 6,665,498 to Jiang et al. in view of US 6,832,052 to Marmur. Applicants disagree but submit that in view of the cancellation of claims 16 and 22 herein, the rejection is moot and should be withdrawn.

VI. Fee Payment

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 25th day of February 2009.

Respectfully submitted,

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